

Dear Friends,

Please find the attached document with our comments about the proposed Hague regulations.

All the best,

Ryan Murray

Program Director

Premier Adoption Agency

800-787-0714 / 702-346-4922

This communication may contain information that is proprietary, privileged, confidential or legally exempt from disclosure. If you are not a named addressee, you are notified that you are not authorized to read, print, retain, copy or disseminate this communication without the consent of the sender and that doing so may be unlawful. If you have received this communication in error please notify the sender via return e-mail and delete it from your computer. Thank you

12/16/2003

December 15, 2003
adoptionregs@state.gov
U.S. Department of State
CA/OCS/PRI
Adoption Regulations
Docket Room, SA-29
2201 C Street, N.W.
Washington D.C. 20520

RECEIVED
OFFICE OF
CHILDREN'S ISSUES
DEC 16 A 10:29
BUREAU OF
CONSULAR AFFAIRS

RE: State/AR-01/96
Comments on Proposed Regulations to Implement the Hague
Convention & IAA

To Whom It May Concern:

Please accept these comments on behalf of Premier Adoption Agency Inc.,
590 West Mesquite Blvd. Suite 202B, December 15, 2003, phone (702)
346-4922, fax (702)346-0330. These comments are in addition to the
comments submitted by the Joint Council on International Children
Services, with which Premier Adoption Agency concurs and incorporates
herein.

Premier Adoption Agency was founded in September of 1999. Since then
we have been instrumental in completing many families through adoption.
We are very informed and aware of the complexities in adoption. We
support the many safeguards and recommendations the States of Utah
and Nevada respectively enforce. While working within the sphere of the
law and ethical treatment of all people, we strive to provide exemplary
service. Our goal is to place as many children in loving homes as we
possibly can. We are constantly searching for ways to make adoption
more attainable to good and loving families. Financial burdens and
bureaucratic obstacles are but a few of the concerns we hope to resolve.
As we work towards our personal and community goals we appreciate the
freedom to make our voice heard on important

Certain regulations proposed to implement the 1993 Hague Convention on

Protection of Children and Co-operation in Respect of Intercountry Adoption and the International Adoption Act of 2000 will severely impair, if not destroy, Premier Adoption Agency's ability to provide international adoption services. In addition to the reasons stated in prior comments, proposed sections 96.45(c)(1) and 96.46(c)(1) exceed the statutory authority. (*Sheyko v. Saenz* (2003) 112 Cal.App.4th 675; *Olszewski v. Scripps* (2003) 30 Cal.4th 798; *Landgate, Inc. v. California Coastal Com'n* (1998) 17 Cal.4th 1006.) There is nothing in the Convention that imposes strict liability on the primary provider, i.e., United States adoption agency. Likewise, there is nothing in the IAA that does the same. The regulations as proposed would be invalid.¹ For these reasons as well as all others submitted, sections 96.45(c)(1) and 96.46(c)(1), as written, should be stricken from the proposed regulations.

Your attention to this petition greatly appreciated

Sincerely,

Catharine P. Murray
Executive Director
Premier Adoption Agency

¹ The indemnification provisions in subdivisions (d) of these sections do little to solve the problems caused by subdivisions (e). For the same reasons it may be difficult if not impossible for individuals to seek damages from a foreign entity, it is difficult if not impossible for adoption agencies to do the same.